

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D. C. 20554

In the Matter of	)	
	)	
Amendment of Part 2 of the	)	
Commission's Rules to Allocate	)	Docket No. 00-258
Spectrum Below 3 GHz for Mobile	)	
And Fixed Services to Support the	)	
Introduction of New Advanced	)	
Wireless Services Including Third	)	
Generation Wireless Systems	)	

**COMMENTS OF  
PINNACLE WEST CAPITAL CORPORATION**

Pinnacle West Capital Corporation (**Pinnacle West**) hereby submits its  
Comments on the *Notice of Proposed Rulemaking* in the above-captioned  
proceeding.

**I. INTRODUCTION**

Pinnacle West is the parent company of Arizona Public Service Company  
(**APS**), a public service corporation organized and operating under the laws of  
the State of Arizona. APS is Arizona's largest electric utility company, serving  
approximately 875,000 customers in 11 out of the State's 15 counties. APS  
relies heavily upon a private communications network (part of which more  
particularly described below) that is managed by Pinnacle West. This private  
telecommunications network allows APS to dispatch electricity to meet the needs

of its customers and affords employees a reliable and effective means to communicate in the pursuit of APS's business and operations.

**II. FCC Must Ensure Relocation Procedures set Forth, are Strictly Adhered to in the event FMS must relocate from the 2110 – 2150 MHz Band.**

APS operates in 26 microwave paths with licensed frequencies in the 2130 – 2150 MHz band as well as their paired frequencies in the 2180 – 2200 MHz band. In the past, APS was involved in the relocation of frequencies in the Personal Communication Services (PCS) band, which resulted in the successful recovery of relocation costs. Pinnacle West (on behalf of APS) wants to ensure that the entire process for the relocation in the 2110-2170 MHz band will be conducted in a substantially similar manner to afford APS equitable reimbursement in the event it must be relocated to another band.

The assessment by NTIA on the Viability of Accommodating Advanced Wireless (3G) Systems in the 1710-1770 MHz and 2110-2170 MHz Bands, dated July 22, 2002, does not mention the relocation of the paired frequencies in the 2180-2200 MHz. If APS is required to relocate from its licensed frequencies in the 2130-2150 MHz band and receive compensation per the established relocation procedures, then the FCC must first adopt rules to include the paired frequencies in the 2180-2200 MHz band and incorporate them into the relocation procedures set forth.

### **III. AVAILABILITY OF SUITABLE SPRECTRUM**

NTIA's Assessment mentions that the FCC plans to relocate fixed microwave incumbent licenses to the 4GHz, 6GHz, 10GHz, and 11GHz bands. However, Pinnacle West is concerned whether suitable spectrum will be available within these bands. Accordingly, rules must also be adopted to ensure spectrum is available in the event APS must relocate from the 2130-2150 MHz band and their paired frequencies in the 2180-2200 MHz band.

### **IV. CONCLUSION**

Pinnacle West (on behalf of APS) does not object to NTIA's Assessment regarding the Viability of Accommodating Advanced Wireless (3G) Systems in the 1710-1770 MHz and 2110-2170 MHz Bands to relocate, provided the following are assured: 1) The paired frequencies in the 2180-2200 MHz band are also incorporated into any future rulemaking and into the relocation procedures. 2) Existing relocation procedures are strictly adhered to by the 3G wireless providers. 3) Suitable spectrum is available in the event APS must relocate.

Respectfully submitted,

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/s/ Jeffrey M. Pell  
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